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23844 SCOTT C HAR	7590 07/10/200 RRIS	8	EXAMINER		
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SAN DIEGO, C	.A 92192		ART UNIT	PAPER NUMBER	
			2143		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Applica	tion No.	Applicant(s)	Applicant(s)	
		09/577	449	HARRIS, SCOTT C.		
		Examin	er	Art Unit		
		KYUNG	H. SHIN	2143		
The MAI Period for Reply	LING DATE of this commu	nication appears on t	he cover sheet with th	e correspondence a	ddress	
A SHORTENED WHICHEVER IS - Extensions of time after SIX (6) MONT - If NO period for rep - Failure to reply with Any reply received	O STATUTORY PERIOD F S LONGER, FROM THE N may be available under the provision HS from the mailing date of this com ly is specified above, the maximum s in the set or extended period for repl by the Office later than three months adjustment. See 37 CFR 1.704(b).	MAILING DATE OF sof 37 CFR 1.136(a). In no munication. tatutory period will apply and y will, by statute, cause the a	THIS COMMUNICAT event, however, may a reply be will expire SIX (6) MONTHS f pplication to become ABANDO	ON. e timely filed rom the mailing date of this one (35 U.S.C. § 133).		
Status						
2a)⊠ This action 3)□ Since this	ve to communication(s) filen is FINAL . sapplication is in condition accordance with the pract	2b)⊡ This action is n for allowance exce	non-final. pt for formal matters,		e merits is	
Disposition of Cla	ims					
4a) Of the 5) ☐ Claim(s) 6) ☑ Claim(s) 7) ☐ Claim(s) 8) ☐ Claim(s) Application Paper		are withdrawn from o				
10) The drawi Applicant r	fication is objected to by the second is objected to by the second is larger and the second is larger that any objected the second is objected to be second in the second is objected to be second in the second is objected the seco	e: a) accepted or ection to the drawing(s g the correction is requ) be held in abeyance. a uired if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 C		
Priority under 35 l	J.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
	erson's Patent Drawing Review (osure Statement(s) (PTO/SB/08)		4) Interview Summ Paper No(s)/Mai 5) Notice of Inform 6) Other:			

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DETAILED ACTION

Response to Amendment

1. This application was filed on 5/24/2000; Final action was mailed on 1/26/05; abandoned on 8/11/05; and revived on 6/12/07. Claims 26 - 50 are pending. Claims 26, 28, 29, 37, 40, 46 have been amended. Claims 48 - 50 are new. Independent claims are 26, 37, 46.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the informal drawings are not of sufficient quality. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Response to Arguments

- 3. Applicant's arguments filed 3/30/2008 have been fully considered but they are moot based on new grounds of rejection.
- 3.1 The 112 rejection in the previous Office Action has been withdrawn.
- 3.2 Applicant argues that the referenced prior art does not disclose, "both the biometric and the code are used together and where the code is used to obtain a selection of the biometric". (Remarks Page 11)

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Freedman discloses that a selection of the biometric information is made.

Biometric information can be fingerprint, retinal scan, and voice prints. (Freedman col 11, II 44-65: biometric information provided by individual is related to parameters selected; selects left ring finger, right thumb, and right index finger; biometric input means used to collect biometric information which are entered in a predetermined order; (biometric information input by user))

3.3 Applicant argues that the referenced prior art does not disclose the usage of other fingerprint biometric information, only fingerprints are utilized. (Remarks Page 12)

Freedman discloses the usage of fingerprints from multiple fingers in addition to biometric information from other human body parts such as retinal scans and voice prints. (Freedman col 9, Il 53-55: fingerprints, palm prints, voice samples, retinal scans)

3.4 Applicant argues that the referenced prior art does not disclose, ratios in a biometric scan. (Remarks Page 13)

The cited sections in Takhar disclose ridge to valley ratios in the analysis of a biometric fingerprint. (Takhar col 26, II 15-14: self regulating technique for normalizing ridge to valley ratios; col 26, II 18-19: cross section of scan produces the most even spacing of ridge to valley ratios)

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall

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set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim **26 and 28** is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no disclosure for the limitation of claim 26, "wherein the value identifies a portion of the scanned human body part among the whole scanned human body part". There is no disclosure of the terms, "portion" or "whole" within the specification or the original claims.

There is no disclosure for the limitation of claim 28, "the received value identifies a feature of the fingerprint to be used by the encryption". The term, "feature", does not exist in the specification or the original claims. Appropriate correction required.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 26 31, 33 39, 41 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorn** (U.S. Patent No. 6,035,398) in view of **Freedman et al.** (US Patent No. 6,259,805).

Regarding Claims 26, 37, Bjorn discloses a method of accessing files on a computer, comprising:

- a) scanning a human body part to obtain information of the human body part that is indicative of at least one characteristic of the human body part; (Bjorn col 1, II 39-42; col 3, II 26-30; col 4, II 4-7: generate biometric information utilized for user authentication, characteristic of human body part (fingerprint))
- c) based on both the information indicative of the body part, and also on the <u>value</u>, using the computer for obtaining a cryptographic key, <u>by using only the portion of the scanned human body part identified by the received value to carry out at least a portion of the obtaining, and wherein the cryptographic key is used to enable a cryptographic operation which includes at least one of encryption or decryption of at least one file, on the computer; and using the cryptographic key to carry out at least one of encryption and/or decryption of at least one file on the computer. (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34: generation of cryptographic key utilizing biometric features; col 4, Il 30-46: generated key(s) utilized for encryption/decryption)</u>

Bjorn does not explicitly disclose whereby receiving information indicative of a value known to the user, the value identifies a portion of the scanned human body part among the whole scanned human body part.

However, Freedman discloses:

b) receiving information indicative of a <u>value</u> known to the user, <u>wherein the value</u>
has been entered by a user into the computer, and wherein the value identifies a

portion of the scanned human body part among the whole scanned human body

part; (Freedman col 11, II 44-65: biometric information provided by individual is

related to parameters selected; selects left ring finger, right thumb, and right

index finger; biometric input means used to collect biometric information which

are entered in a predetermined order; (biometric information input by user))

Specification discloses selection of multiple body parts in a precise order.

(Specification Page 3, Lines 8-12) There no disclosure of a parameter that

identifies a portion of a scanned human body part.

It would have been obvious to one of ordinary skill in the art to modify Bjorn for a value that identifies a scanned human body part as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the change of deriving a biometric template from poor biometric information. (Freedman col 4, Il 35-37: " ... For example, registration of authorized users requires little time and expense. The chance of deriving a biometric template from poor biometric information is greatly reduced. ... ")

Regarding Claims 27, 38, Bjorn discloses a method as in claims 26, 37, wherein the scanning produces information which represents sufficient information about the human body part to render the information unique relative to other scanning of other body parts. (Bjorn col 3, Il 36-43: fingerprint information unique to fingerprint, comparison utilized for verification, (fingerprint uniqueness well known in the art))

Regarding Claim 28, Bjorn discloses a method as in claim 27, wherein the scanning comprises scanning a fingerprint to obtain information indicative of the fingerprint, and the received value identifies a feature of the fingerprint to be used by the encryption.

(Bjorn col 1, Il 39-42; col 4, Il 4-7; col 3, Il 7-11: scan fingerprint utilizing sensor device)

There is no disclosure for this limitation: the received value identifies a feature of the fingerprint to be used by the encryption.

Regarding Claim 30, Bjorn discloses a method as in claim 27, wherein the human body part is scanned to produce digital information that is indicative of an analog image, and further comprising converting aspects of the analog image into digital information indicative of the cryptographic key. (Bjorn col 1, II 52-55: fingerprint image (analog image); col 3, II 32-34; col 4, II 17-19; col 7, II 32-34: image converted into cryptographic key)

Regarding Claims 31, 41, Bjorn discloses a method as in claims 26, 37, wherein the forming a cryptographic key comprises first forming a first part of the cryptographic key using a first portion of the biometric information, subsequently and separately forming another part of the cryptographic key using another portion of the biometric information, and using both the one portion and the another portion of the biometric information together to form the cryptographic key. (Bjorn col 4, Il 13-24: cryptographic key generated utilizing some or all of biometric features information)

Regarding Claim 33, Bjorn discloses a method as in claim 31, wherein the forming comprises

- a) obtaining the first part of the cryptographic key from the one portion of the biometric scan, (Bjorn col 4, Il 13-24: utilizing some or all of biometric features (curvature, ridge distance, etc.) for cryptographic key generation) and
- b) obtaining the another part of the cryptographic key from the another portion within the same biometric scan as the first portion, wherein the another portion is a different portion of the image than a first portion of image in which the one portion of the biometric scan is obtained. (Bjorn col 4, II 13-24: utilize different portions (curvature, ridge distance, etc.) of fingerprint image for cryptographic key generation)

Regarding Claim 34, Bjorn discloses a method as in claim 31, wherein the forming comprises obtaining the first part of the cryptographic key from the one portion of the biometric scan, and getting the another part of the cryptographic key from the another portion within a different biometric scan from that scan that provides the first portion, wherein the another portion is based on a different image than a first image from which the one portion of the biometric scan is obtained. (Bjorn col 4, II 13-24; col 4, II 4-7: utilizing some or all of biometric features (curvature, ridge distance, etc.) information to generate cryptographic key; different biometric scans (fingerprint scans, different fingers))

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Regarding Claims 35, 44, Bjorn discloses a method as in claims 34, 43, wherein the different biometric scan is a scan of a different body part than the part that provides the one portion. (Bjorn col 4, II 4-7: different biometric body part, scan different finger (different body part, see specification page 7))

Regarding Claim 36, Bjorn discloses a method as in claim 26. (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34; col 4, Il 30-46: generation of encryption/decryption key using biometric features) Bjorn does not explicitly disclose a retinal scan. However, Freedman discloses wherein the biometric scan includes a retinal scan. (Freedman col 9, Il 25-26; col 9, Il 51-55: retinal scan)

It would have been obvious to one of ordinary skill in the art to modify Bjorn where the biometric scan includes a retinal scan as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the change of deriving a biometric template from poor biometric information. (Freedman col 4, II 35-37

Regarding Claim 39, Bjorn discloses a system as in claim 38, wherein the first scanning part includes a fingerprint scanner. (Bjorn col 3, Il 7-11: fingerprint sensor (scanner))

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Regarding Claim 42, Bjorn discloses a system as in claim 41, wherein the routine forms the first portion and the different portion of the image than a first portion of image in which the one portion of the biometric scan is obtained. (Bjorn col 4, II 13-24: different portions of image (curvature, ridge distance, etc.) utilized for cryptographic key generation)

Regarding Claim 43, Bjorn discloses a system as in claim 41, wherein the routine forms the first portion and the another portion from different biometric scans, wherein the another portion is based on a different image than a first image from which the one portion of the biometric scan is obtained. (Bjorn col 4, Il 13-24: different portions of image (curvature, ridge distance, etc.) utilized for cryptographic key generation; col 4, Il 4-7: different biometric body part, scan a different finger (specification page 7))

Regarding Claims 45, 47, Bjorn discloses a method as in claims 27, 46, wherein the scanning comprises scanning a fingerprint to obtain information indicative of the fingerprint. (Bjorn col 1, II 39-42; col 4, II 4-7; col 3, II 7-11: scan fingerprint utilizing sensor device)

Regarding Claim 46, Bjorn discloses a method, comprising:

a) scanning a human body part to obtain first information therefrom that uniquely represents the scanned body part; (Bjorn col 3, Il 7-11; col 4, Il 4-7: obtain fingerprint image, unique representation of body part)

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c) forming third information from one portion of the first information, the one portion being along a different reference that the first information, and forming fourth information from another portion of the first information, the another portion being along a different reference than the first information; (Bjorn col 4, II 13-20: portions of biometric information utilized to generate cryptographic key)

- d) obtaining a cryptographic key based on all of the second information, the third information, and the fourth information; (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34: generation of cryptographic key utilizing biometric features (some or all of features)) and
- e) using the cryptographic key to carry out one of an encryption of information or a decryption of information on a computer. (Bjorn col 4, Il 30-46: keys utilized for encryption/decryption)

Bjorn does not explicitly disclose whereby receiving second information indicative of a value known to the user.

However, Freedman discloses:

b) receiving second information indicative of a <u>value</u> known to the user; (Freedman col 11, II 44-65: biometric information provided by individual is related to parameters selected; selects left ring finger, right thumb, and right index finger; biometric input means used to collect biometric information which are entered in a predetermined order; (biometric information input by user))

Specification discloses selection of multiple body parts in a precise order.

(Specification Page 3, Lines 8-12) There no disclosure of a parameter that

identifies a portion of a scanned human body part.

It would have been obvious to one of ordinary skill in the art to modify Bjorn for receiving second information indicative of a value known to the user as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the change of deriving a biometric template from poor biometric information. (Freedman col 4, II 35-37)

Regarding Claim 48, Bjorn discloses a method as in claim 46 and wherein the obtaining a cryptographic key comprises using the only a portion as a reference. (Bjorn col 3, II 32-34; col 4, II 17-19; col 7, II 32-34; col 4, II 30-46: generation of encryption/decryption key using biometric features) Bjorn does not explicitly disclose using the value to identify only a portion of the scanned human body part. However, Freedman discloses wherein further comprising using the value to identify only a portion of the scanned human body part. (Freedman col 11, II 44-65: biometric information provided by individual is related to parameters selected; selects left ring finger, right thumb, and right index finger; biometric input means used to collect biometric information which are entered in a predetermined order; (biometric information input by user))

There no disclosure of a parameter that identifies a portion of a scanned human body part.

It would have been obvious to one of ordinary skill in the art to modify Bjorn for

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determining an average of values within the scanned body part and whether the values are greater than or less than the average as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the change of deriving a biometric template from poor biometric information. (Freedman col 4, II 35-37)

Regarding Claim 49, Bjorn discloses a method as in claim 26. (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34; col 4, Il 30-46: generation of encryption/decryption key using biometric features) Bjorn does not explicitly disclose determining an average of values within the scanned body part and whether the values are greater than or less than the average. However, Freedman discloses wherein the using comprises determining an average of values within the scanned body part, and wherein the obtaining a cryptographic key operates based on whether the values are greater than or less than the average. (Freedman col 7, Il 5-13: scores for each characterized image, as template are averaged; score(s) are compared (greater than or less than) with a threshold (average, calculate parameter))

It would have been obvious to one of ordinary skill in the art to modify Bjorn for determining an average of values within the scanned body part and whether the values are greater than or less than the average as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the

change of deriving a biometric template from poor biometric information. (Freedman col 4, II 35-37)

Regarding Claim 50, Bjorn discloses a system as in claim 37 and the running a routine obtains a cryptographic key. (Bjorn col 3, II 32-34; col 4, II 17-19; col 7, II 32-34; col 4, II 30-46: generation of encryption/decryption key using biometric features) Bjorn does not explicitly disclose information indicative of characteristics of the human body part and whether the values are greater than or less than the average. However, Freedman discloses wherein the computer runs a routine that obtains information indicative of characteristics of the human body part and whether the values are greater than or less than the average. (Freedman col 7, II 5-13: scores for each characterized image, as template are averaged; score(s) are compared with a threshold (average, calculate parameter))

It would have been obvious to one of ordinary skill in the art to modify Bjorn for information indicative of characteristics of the human body part and whether the values are greater than or less than the average as taught by Freedman. One of ordinary skill in the art would have been motivated to employ the teachings of Freedman in order to reduce the time and expense of registration for authorized users, and to reduce the change of deriving a biometric template from poor biometric information. (Freedman col 4, II 35-37)

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8. Claims **32**, **40** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorn-Freedman** and further in view of **Takhar** (U.S. Patent No. **6,002,787**).

Regarding Claim 32, Bjorn discloses a method as in claim 27, wherein the forming uses the biometric information for a biometric authentication system. (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34: biometric features utilized for cryptographic key generation) Bjorn does not explicitly disclose whereby forming uses the biometric information to form information that is independent of any absolute dimensions in an image representing the biometric information. However, Takhar discloses wherein forming uses the biometric information to form information that is independent of any absolute dimensions in an image representing the biometric information. (Takhar col 26, Il 7-24; col 26, Il 38-41: ratios utilized for biometric parameter generation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorn-Hillhouse without determining absolute dimensions e.g. Ratios as taught in Takhar. One would have been motivated to utilize relationship e.g. Ratios between those parts in order to analyze fingerprint information, so that the obtained information be translated into the cryptographic key to allow access with accurate verification and to optimize cryptographic key generation. (Takhar col 1, Il 46-53)

Regarding Claim 40, Bjorn discloses a system as in claim 38, wherein the routine forms the cryptographic key by identifying a reference on the fingerprint, and using

location of features on the fingerprint to the reference to obtain the biometric information. (Bjorn col 3, II 32-34; col 4, II 17-19; col 7, II 32-34: biometric features utilized for cryptographic key generation) Bjorn does not explicitly disclose whereby a reference on the fingerprint, and using features relative to the reference to obtain the biometric information. However, Takhar discloses wherein a reference on the fingerprint, and using features on the fingerprint relative to the reference to obtain the biometric information (Takhar col 26, II 7-24; col 26, II 38-41: ratios (relative information) utilized for biometric parameter generation)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bjorn-Hillhouse without determining absolute dimensions e.g. Ratios as taught in Takhar. One would have been motivated to utilize relationship e.g. Ratios between those parts in order to analyze fingerprint information, so that the obtained information be translated into the cryptographic key to allow access with accurate verification and to optimize cryptographic key generation. (Takhar col 1, II 46-53)

9. Claim **29** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Bjorn-Freedman** and further in view of **Hanna et al.** (U.S. Patent No. **6,714,665**).

Regarding Claim 29, Bjorn discloses a method as in claim 28, wherein the forming a cryptographic key comprises identifying a reference on the fingerprint, and using <u>the</u> received value to identify information within the fingerprint to obtain the biometric

information. (Bjorn col 3, Il 32-34; col 4, Il 17-19; col 7, Il 32-34: generate cryptographic key from biometric information; col 4, Il 13-24: utilize locations on fingerprint in cryptographic key generation) Bjorn does not explicitly disclose a specified angle relative to a reference line. However, Hanna discloses wherein a specified angle relative to a reference line. (Hanna col 36, Il 5-9: reference line is with reference to an upright orientation; reference line used in angle analysis; col 49, Il 43-50: biometric analysis; iris recognition)

It would have been obvious to one of ordinary skill in the art to modify Bjorn for a specified angle relative to a reference line as taught by Hanna. One of ordinary skill in the art would have been motivated to employ the teachings of Hanna in order to identify objects or individuals using a method that is both fast and accurate. (Hanna col 1, II 51-53: "... This need makes clear that there exists a more general problem of identifying objects or individuals in a passive way that is both fast and accurate. ... ")

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYUNG H. SHIN whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. FLYNN can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner Art Unit 2143

KHS June 14, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154